Remarks/Arguments

Claims 21-49 are now pending in the application. Claims 1-20 have been canceled. Claims 21-49 are amended for clarification and are fully supported by the specification. Please note that the pending claims incorporate the subject matter of 4 co-pending applications (09/520,938, 09/520,600, 09/520,944, and 09/521,470). No new matter has been added to the prosecution of this application. For at least the reasons stated below, Applicants assert that all claims are in condition for allowance.

1. Claim Objections

Claims 21 and 49 are objected to for syntax errors. Applicants have amended the claims to correct such errors as described by the Examiner's objections.

2. 35 U.S.C. § 112 Rejections

Claims 22-42, and presumably 43-49, are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which Applicants regard as the invention. Applicants have amended the claims to rectify the error, and accordingly Applicants request withdrawal of this rejection.

3. 35 U.S.C. § 102 Rejections

Claims 21-27 and 37 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Jones et al.*, U.S. Patent No. 6,021,397 (hereinafter "*Jones*"). Examiner asserts that *Jones* discloses a method for enabling users to make decisions by modeling tradeoffs between personal goals. *See* Office Action, p. 4. Applicants respectfully oppose this rejection.

Jones fails to disclose each and every limitation of Applicants' claims. *Jones* discloses a system whereby an individual may create different projection scenarios based upon financial information provided by the individual. *See Jones* at col. 4, ll. 50-61; col. 6, ll. 3-7, 13-19, 27-31. The purpose of such an invention, as previously discussed, is to assist a user in financial planning by facilitating financial product selection. *See Id.* at col. 2, ll. 48-51; col. 6, ll. 13-31. The user initiates such planning by entering different financial information, including short-term or intermediate financial goals, to be used by the software to develop long-term financial projections. *See Id.* at col. 5, ll. 50-61. From this information, the software produces an "optimized portfolio" that suggests to the user the proper investment allocation. *See Id.* at col. 6, ll. 31-32. Fundamentally, *Jones* produces a

single, non-relational solution to a single goal. While other goals may be considered in the projection, the effect of the projected goal upon other goals is not considered or contemplated by *Jones*.

This absence in the prior art, specifically *Jones*, is addressed by Applicants' claimed invention, wherein a user may track a plurality of goals and their interrelational effect. Applicants' claimed invention permits an individual to enter multiple goals, personal, financial, career, or otherwise, whether short, intermediate, or long in duration, and determine the effect upon the probability of attainment of each goal based upon the interaction between them. *See* Claim 21. The claimed invention permits an individual to manage aspects of their life otherwise unmanageable by the invention as disclosed in *Jones*, which merely projects financial retirement requirements by applying specific parameters. *See Jones*, col. 5, ll. 50-61; col. 7, l. 62 - col. 18, l. 48. Applicants note that Examiner equates goals with financial goals as indicated by Examiner's reliance on *Jones*. *See* Office Action, p. 4. While it is arguable that personal goals correspond with financial goals, personal goals and financial goals are not equivalent, nor are personal goals necessarily a type of financial goals. *Jones* fails to disclose expressly or inherently, projecting personal goals in addition to financial goals as its method of projection uses complex mathematics. *See Jones*, col. 13, l. 50; col. 14, l. 45; col. 15, l. 15; col. 15, l. 47; col. 16, l. 60; col. 17, l. 3; col. 18, ll. 3, 13. Without such disclosure, Applicants assert that *Jones* fails anticipate Applicants' claimed invention.

Additionally, *Jones* does not anticipate Applicants' claims describing a method by which a user may determine the interrelational effect of each goal upon every other goal specified by the user. *Jones* describes a method whereby a long-term goal may be evaluated through parameters that include short-term or intermediate goals. *Id.* at col. 5, ll. 50-61. However, the limitation of *Jones* is it fails to illustrate the interrelational impact of emphasizing certain goals over others. While *Jones* projects the impact upon long-term financial goals through the manipulation of short-term and intermediate financial goals, *Jones* does not project the impact upon short-term and intermediate goals by the modification of long-term goals or other parameters. This limitation of *Jones*, of which a solution is not taught from the language of *Jones*, is apparent by the very nature of the invention because of the mathematical equations used. *Id.* at col. 13, l. 50; col. 14, l. 45; col. 15, l. 15; col. 15, l. 47; col. 16, l. 60; col. 17, l. 3; col. 18, ll. 3, 13. Examiner asserts

that *Jones* teaches Applicants' claim of displaying this interrelationship. Office Action, p. 4. *Jones* allegedly asserts that other goals may be modeled, including short-term and intermediate goals. *Id.* at col. 4, ll. 27-33. However, this statement in *Jones*, heavily relied upon by Examiner, is not evidence that *Jones* teaches towards Applicants' invention of modeling multiple goals. Such language does not teach toward Applicants' claimed invention because *Jones* only considers the effect of a single goal. This is the fundamental difference between *Jones* and Applicants' claimed invention.

Applicants assert for at least the reasons expressed above, *Jones* fails to disclose all limitations of the claims. Accordingly, Examiner's rejection pursuant to 35 U.S.C. § 102(e) is improper, and Applicants respectfully request reconsideration and withdrawal of the rejection.

4. 35 U.S.C. § 103 Rejections

Claims 28-36 and 38-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jones*. Claims 28-36 and 38-41 are dependent upon claim 21. Because independent claim 21 is in condition for allowance, as discussed in section 3, *supra*, rejection of such dependent claims is improper, and Applicants respectfully request reconsideration and that the rejection be withdrawn.

Claims 42-49 are addressed at pages 16-21 of the Office Action, however, Examiner does not specify whether they are rejected. Considering the context in which these claims are addressed, Applicant ventures that Examiner intended to reject claims 42-49 under 35 U.S.C. § 103(a). However, because independent claim 21 is in condition for allowance, as discussed in section 3, *supra*, rejection of such dependent claims is improper, and Applicants respectfully request reconsideration and that the rejection be withdrawn.

In addition, Applicants take specific issue with Examiner's rejection of claims 35, 38, and 47. In general, Examiner rejects Applicants' claims on the basis that what is claimed is old and well known in the art, in effect that it is common knowledge. Respectfully, Applicants note that "[a]ny rejection based on assertions that a fact is well-known or is common knowledge in the art without documentary evidence to support the Examiner's conclusion *should be judiciously applied.*" MPEP § 2144.04(E) (emphasis added). "[A]ny facts noted should be of notorious character and serve only to 'fill in the gaps' in an *insubstantial* manner." *Id.* (emphasis added). In the rejections pertaining to the claims

discussed below, claims 35, 38, and 47, it appears hindsight and blind conclusions are used that such claims are obvious in combination with *Jones*. However, as is apparent from a brief reading of the claimed invention, the common knowledge cited does not apply to Applicants' claims at issue.

Examiner rejects claim 35 on the basis that it is "obvious to one of ordinary skill in the art . . . to notify a provider of the product of Jones et al. (such as a mutual fund) if user is no longer utilizing said product." *See* Office Action, p. 11-12. Examiner claims it is "old and well-known that employees enroll in the programs for these products, which are supplied by a provider, and that employees have the ability to un-enroll in products." *Id.* at 11. Preliminarily, it would not seem common knowledge to alert providers remotely of financial products of unenrollment, considering such transactions generally occur directly with the providers. Furthermore, while such a situation may be the case, such an old and well-known situation in the art has no bearing on claim 35. Claim 35 depends on claim 29, in which the a provider is notified that its product is *suggested* to the individual user when the user modifies a preference. Read in conjunction with claim 29, it is clear this notification to the provider is prospective, to provide a marketing opportunity to the provider of the service when presented to the user. Notification of unenrollment is not claimed.

Examiner rejects claim 38 on the basis that it is "obvious to one of ordinary skill in the art . . . to present tailored advertisements using banner ads" that are tailored to the individual user based upon the user's profile. *See* Office Action, pp. 12-13. While it may be common knowledge to one ordinarily skilled in the art to tailor advertising banners through stored user preferences, this common knowledge is not applicable. Claim 38 describes a banner advertisement displayed when an offering derived from the user's preferences is presented to the user. The basis for presenting the banner advertisement is not based upon the user's preferences as stored in the system. The basis for presentation is derived from those preferences, and directly relies on the proposed options presented by the interrelational tool. Advertising of matched offerings is not based upon the stored user preferences, as claimed by Examiner.

Finally, Examiner rejects claim 47 on the basis that it is "obvious to one of ordinary skill in the art . . . to include insurance options and the cost of the selection of insurance in

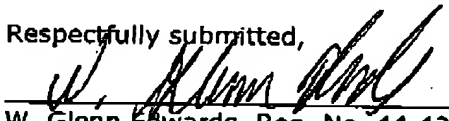
the cash flow picture of the user . . . to accurately [account for] all of the financial obligations of a user." Office Action, p. 20. While it may be common knowledge for an individual to account for insurance expenses when determining cash flow, such consideration is not what is presently claimed. Claim 47 contemplates the system presenting an option to the user that constitutes insurance, such that obtaining insurance by the user is one method by which the user may obtain the goal defined by the user. Presenting insurance provider information is not for the purpose of determining the cash flow of the individual, as claimed by Examiner.

Accordingly, Applicants assert that *Jones* and the common knowledge relied upon by examiner do not teach or make obvious what Applicants claim. Therefore, Applicants respectfully request reconsideration and that the rejections based upon 35 U.S.C. § 103(a) be withdrawn.

5. Conclusion

Applicant submits that all pending claims are allowable over the art of record and respectfully requests that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach Craig J. Lervick at (612) 607-7387. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Docket 60021-352501).

Respectfully submitted,



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